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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,424	06/24/2003	Gregory L. Bluem	51720US020	9617
32692	7590	10/06/2004		
3M INNOVATIVE PROPERTIES COMPANY PO BOX 33427 ST. PAUL, MN 55133-3427				
			EXAMINER SELLERS, ROBERT E	
			ART UNIT 1712	PAPER NUMBER
DATE MAILED: 10/06/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action</b>	Application No. 10/602,424	Applicant(s) BLUEM ET AL.	
	Examiner Robert Sellers	Art Unit 1712	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 29 September 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY [check either a) or b)]**

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See the attachment.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: \_\_\_\_\_.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_.

Robert Sellers  
Primary Examiner  
Art Unit: 1712

1. The 35 U.S.C. 112, first paragraph rejection is rescinded due to the permissibility of positively recited alternative elements which may be explicitly excluded as ruled in In re Johnson, 194 USPQ 187, 196, CCPA 1977 and explained in MPEP § 2173.05(i), "Negative Limitations." The language "substantially free of polyepoxide resin" in claim 1 is hereby interpreted as defining the aspect of the adhesive composition without the polyepoxide resin.
2. The specification on page 12, lines 21-22 identifies PARALOID™ EXL-2691 as a species of core-shell polymer. The same trade name is identified by Chemical abstracts registry no. 107080-92-2 which is a suitable species of thermoplastic elastomer (B) for Japanese Patent No. 3-220217 according to CAPLUS accession 1992:8020 (page 2, lines 4-7).
3. According to the submitted Encyclopedia of Polymer Science and Engineering, Volume 9, page 769 in the section entitled "ABS Polymers." lines 10-11, "the main locus of **grafting** is at the phase interface and in the acrylonitrile-butadiene portion." Thus, the shell formed by the grafting of methyl methacrylate onto the butadiene-styrene copolymer core in the Japanese patent is clearly a core-shell polymer.
4. It is conceded that the poly bd ACR-LC cited as an example in the CAPLUS abstract is not a core-shell polymer. However, the teachings of a reference are not confined to the examples. The thermoplastic elastomer is not limited to poly bd ACR-LC. According to page 2, lines 4-7 of the CAPLUS abstract, PARALOID™ EXL-2691 which is a butadiene-styrene core/methyl methacrylate shell polymer, as confirmed by the registry number, is also suitable.

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5. The motivation to incorporate the thixotropic agent of PCT WO 95/13328 into the composition of the Japanese patent in order to achieve a coatable thickness is clearly stated in the non-Final rejection mailed April 22, 2004 (page 4, paragraphs 5 and 6) and is based on the revelation on page 11, lines 14-15 of the PCT publication.

Therefore, the combined teachings of the Japanese patent and PCT publication discloses each component of the claimed composition.

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Robert Sellers  
Primary Examiner  
Art Unit 1712

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10/1/04